

AMENDED IN ASSEMBLY APRIL 4, 2013
AMENDED IN ASSEMBLY MARCH 18, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1030

Introduced by Assembly Member Cooley

February 22, 2013

An act to amend Section 72023.5 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 1030, as amended, Cooley. Community colleges: organization of governing boards: nonvoting student members.

Existing law requires the governing board of each community college district to order the inclusion within the membership of the governing board of one or more nonvoting students, who are enrolled in a community college of the district, and chosen by students enrolled in the community colleges of the district, in accordance with procedures prescribed by the governing board.

This bill would provide that if the seat of a student member becomes vacant during his or her term, the governing board may authorize the officers of student body associations at each ~~campus~~ *community college* in the district to appoint a student ~~by majority vote of the officers~~ to serve the remainder of the term *in accordance with procedures established by the governing board*. This bill would also make nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 72023.5 of the Education Code is amended to read:

72023.5. (a) (1) The governing board of each community college district shall order the inclusion within the membership of the governing board, in addition to the number of members otherwise prescribed, of one or more nonvoting students. These students shall have the right to attend each and all meetings of the governing board, except that student members shall not have the right, or be afforded the opportunity, to attend executive sessions of the governing board.

(2) The students selected to serve on the governing board, shall be enrolled in a community college of the district and shall be chosen, and shall be recalled, by the students enrolled in the community colleges of the district in accordance with procedures prescribed by the governing board. If the seat of a student member becomes vacant during his or her term, the governing board may authorize the officers of student body associations established pursuant to Section 76060 at each ~~campus~~ *community college* in the district to ~~appoint, by a majority vote of the officers,~~ *appoint* a student to serve the remainder of the term *in accordance with procedures established by the governing board*. A student member shall be required throughout the term of his or her appointment to be enrolled in a community college of the district for at least five semester units, or its equivalent, and shall meet and maintain the minimum standards of scholarship for community college students prescribed by the community college district. The term of the student members shall be one year commencing on June 1 of each year.

(3) The nonvoting student members appointed pursuant to this section shall be entitled to mileage allowance to the same extent as regular members, but are not entitled to the compensation prescribed by Section 72024.

(4) A nonvoting student member shall be seated with the members of the governing board and shall be recognized as a full member of the board at the meetings, including receiving all materials presented to the board members and participating in the questioning of witnesses and the discussion of issues.

1 (5) A nonvoting student member shall not be included in
2 determining the vote required to carry any measure before the
3 board.

4 (6) A nonvoting student member shall not be liable for any acts
5 of the governing board.

6 (b) Notwithstanding subdivision (a), the nonvoting student
7 member or members selected to serve on the governing board of
8 a community college district pursuant to subdivision (a) may do
9 any of the following:

10 (1) Make and second motions at the discretion of the governing
11 board.

12 (2) Attend closed sessions, other than closed sessions on
13 personnel matters or collective bargaining matters, at the discretion
14 of the governing board.

15 (3) Receive compensation, at the discretion of the governing
16 board, up to the amount prescribed by Section 72024.

17 (4) Serve a term of one year commencing on May 15 of each
18 year, at the discretion of the governing board.

19 (c) It is the intent of the Legislature that any decision or action,
20 including any contract entered into pursuant thereto, upon the
21 motion or second of a motion of a student member, shall be fully
22 legal and enforceable against the district or any party thereto.

23 (d) The governing board of each community college district
24 that affords the student member or members of the board any of
25 the privileges enumerated in subdivision (b) shall, by May 15 of
26 each year, adopt rules and regulations implementing this section.
27 These rules and regulations shall be effective until May 15 of the
28 following year.

29 (e) If a state court finds this section is unlawful, the court may
30 order, as equitable relief, that the administering entity that is the
31 subject of the lawsuit terminate any waiver awarded under this
32 statute or provision, but no money damages, tuition refund or
33 waiver, or other retroactive relief may be awarded. In any action
34 in which the court finds this section is unlawful, the California
35 Community Colleges are immune from the imposition of any award
36 of money damages, tuition refund or waiver, or other retroactive
37 relief.

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